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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,691	12/17/2001	Richard Joseph Caballero	SBL0020US	2964

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AUSTIN, TX 78759

EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/024,691

Applicant(s)

CABALLERO ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. OBJECTION

A. Abstract

The abstract of the disclosure is objected to because it exceeds the maximum permitted length of 150 word, Correction is required. See MPEP § 608.01(b), which is duplicated here for Applicant's convenience:

(b) A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.<

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

B. Claims

Claim 54 is objected to because of the following informalities: It is a method claim made dependent on claim 36, an apparatus claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-66 are rejected because the claimed invention is directed to non-statutory subject matter. Independent claims 1, 19, 36, 50, 64, 65 and 66 are not directed to any one of the areas of patentable subject matter, such as product, process, process of making or composition. Claims 2-18, 20-35, 37-49 and 51-63 are rejected because of their dependence on independent claims 1, 19, 36, 50, 64, 65 and 66. For a claim to be statutory under 35 USC 101 the following condition must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

According to the above guidelines, Applicant's claims are limited to the manipulation of abstract ideas in the context of patentability because the claim lacks an indication of usefulness.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-66 are rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above in the rejection of the claims under 35 USC 101, one skilled in the art clearly would not know how to use the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-66 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1, 19, 36, 50, 64, 65 and 66 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the specification filed December 17, 2001. In that paper, applicant has stated the invention has the purpose of processing complex orders which include complex services and products, and this statement indicates that the invention is different from what is defined in the claim(s) because the independent claims do not include a limitation which indicates processing of orders.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esposito et al. (US Patent 6,587,838 B1) in view of Wiecha (US Patent 5,870,717) and Official Notice.

Re. Claims 1, 19, 36, 50 and 64-66, Esposito discloses a method, system, apparatus, medium and data signal to enable users to interact with the system over heterogeneous network environments such as a packet switched network such as the Internet and a wireless network such as a plurality of pagers. At least one vendor computer is part of the system. The vendor computer has one or more databases for storing information about products and services in a product database, and a customer database, for storing information about customers. A plurality of client computers are part of the system. The client computers enable users to interact with the system to learn about and express interest in products and services. Thus, Esposito explicitly and implicitly discloses the processing of complex sales prospect inquiries and the complex customer purchase orders (Abstract, ll. 1-6, 9-16). Esposito does not explicitly disclose the construction of the software for operating the vendor's system for processing complex customer inquiries and purchase orders, such as generating a customer portal, invoking a workflow process, receiving at least one of: a service profile, quote information pertaining to an account, generating a business object, and transforming at least a portion of the business object to a complex object. However, Wiecha discloses a computer-implemented method comprising: generating a list of accounts; selecting a selected account by detecting selection of one of the accounts, wherein the selecting a selected account is performed using a computer; generating a list of orders associated with the selected account, wherein the list of orders comprises orders that have been

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submitted to an external provisioning system for provisioning, and the computer and the external provisioning system are communicatively coupled to one another; selecting a selected order by detecting selection of one of the orders that has been submitted for provisioning by the external provisioning system, wherein the selecting a selected order is performed using the computer; detecting a request to make a change to the selected order, wherein the request comprises a change to the selected order; incorporating the change in the selected order; submitting a re-submitted order by submitting the selected order for provisioning by the external provisioning system; and, synchronizing the re-submitted order in the external provisioning system to override the one of the orders that had been submitted for provisioning.

The steps of generating a customer portal, a work flow process receiving of information from a customer pertaining to an account, the generating of a business object, and transforming a business object to a complex object would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention because they follow the logical order establishment steps disclosed, implied and suggested by Esposito, Wiecha and well known practices in the art of order placement and order acceptance. The only difference is the computer systems design terminology used by Applicant which represents generic business practices well known in the art of purchasing and customer service.

As such, the examiner takes Official Notice that the terminology used in the following steps is computer systems terminology describing generic business practices which are well known in the art of purchasing and customer service: generating a customer portal comprising a list of products and services associated with an account, a list of quotes associated with the account, a list of orders associated with the account, and a plurality of user-selectable options, wherein the customer portal is accessible by users including customer service representatives, customers, and service providers for the customers; invoking a workflow process, and the workflow process invokes at least one business service method to perform functions associated with the selected option; receiving at least one of: a service profile, quote information, and order information pertaining to an account; generating a business object based on the at least one of: a service profile,

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quote information, and order information; and transforming at least a portion of the business object to a complex object.

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Esposito, Wiecha and well known practices in order to produce a method, system, apparatus, medium and data signal for processing orders, motivated by a desire to provide real-time notifications to vendors of purchaser requirements in a heterogeneous network environment, and a virtual market place system that incorporates the human element in the purchase and sale transaction (Esposito, Col. 1, ll. 30-34, 60-62).

Re. Claims 2-18, 20-35, 37-49 and 51-63, neither Esposito nor Wiecha explicitly disclose the computer system steps in these dependent claims. However, the steps represent generically obvious steps of the well known order placement and order acceptance process, mixed with special terminology created by Applicant and which is defined in the specification, such as "Apply Method", Delta Method, Trim Method and Logical Delete Method, which are some of the special terms found in claim 52.

Examples of other well known steps are Supplemental Orders Process in claim 53, Move Process in claim 54, and various other steps which are ordinary to the traditional order placement and order acceptance process. These steps, usually with their own terminology labels, were well known to purchasing and customer service professional users at the time of Applicant's invention through the systems provided by many enterprise software suppliers, the best known of which were SAP, Baan and Oracle. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Esposito, Wiecha and well known practices in order to produce a method, system, apparatus, medium and data signal for processing orders, motivated by a desire to provide real-time notifications to vendors of purchaser requirements in a heterogeneous network environment, and a virtual market place system that incorporates the human element in the purchase and sale transaction (Esposito, Col. 1, ll. 30-34, 60-62).

Conclusion

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5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

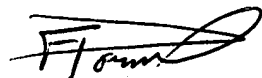
or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 30, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692